

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:99CR11-1
	)	
vs.	)	
	)	
CALVIN JONES,	)	ORDER
	)	
Defendant.	)	

Before the court, on its own motion, is an order regarding the restitution payments owed by the defendant, Calvin Jones. Following sentencing, the court entered an Amended Judgment and Conviction (filing no. 51), ordering Jones to make restitution payments during incarceration. Specifically, the Schedule of Payments form orders Jones to “make nominal periodic payments of \$5.00 per month until restitution has been paid in full. ... [I]f this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those made through the Bureau of Prisons’ Inmate Financial Responsibility Program are to be made as directed by the court...”

The Bureau of Prisons (BOP) placed Jones in the Inmate Financial Responsibility Program (IFRP). According to the BOP, the minimum payment that the program can accept is \$25 per month, \$25 per quarter, or 50% of an inmates UNICOR pay. The Eighth Circuit has held that “it is within the BOP’s discretion to place appellants in the IFRP payment plan.” Matheny v. Morrison, 307 F.3d 709 (8<sup>th</sup> Cir. 2002). Although this court ordered Jones to “make nominal periodic payments of \$5.00 per month until restitution has been paid in full,” the court does not find that the universal policies and procedures of the IFRP, as applied to Jones’ restitution

payments, contradict the Schedule of Payments set forth in the defendant's Amended Judgment and Conviction. Further, although the IFRP withdraws substantially more than \$5.00 per month from the defendant's prison earnings, as long as the defendant is an inmate in a Federal Prison and has a restitution balance, he is required to comply with the procedures and policies of the IFRP as set forth by the Bureau of Prisons.

The Clerk shall send the a copy of this order to the following persons:

1. Calvin Jones #15903-047, Federal Correctional Institution, P.O. Box 1500  
Unit-D, Elreno, OK 73036;
2. J. Haines, Case Manager, Unit D, FCI, El Rino, P.O. Box 1000; El Rino,  
OK 73036.

SO ORDERED.

DATED this 25<sup>th</sup> day of April, 2005.

BY THE COURT:

/s/ Joseph F. Bataillon  
JOSEPH BATAILLON  
United States District Judge